

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS DIVISION**

CATHERINE ALEXANDER,

Plaintiff,

-vs-

TAKE-TWO INTERACTIVE SOFTWARE, INC.,
2K GAMES, INC.; 2K SPORTS, INC.; WORLD
WRESTLING ENTERTAINMENT, INC.;
VISUAL CONCEPTS ENTERTAINMENT;
YUKE'S CO., LTD.; AND YUKE'S LA, INC.,

Defendants.

CASE NO. 3:18-CV-966-SMY

**DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION TO SUPPLEMENT
SUMMARY JUDGMENT EVIDENCE WITH RECENT DEPOSITION TRANSCRIPT
OF DEFENDANT WWE**

Defendants Take-Two Interactive Software, Inc., 2K Games, Inc., 2K Sports, Inc., Visual Concepts Entertainment ("Take-Two Defendants"), and World Wrestling Entertainment, Inc. ("WWE") (collectively "Defendants"), by and through their attorneys, hereby respond to Plaintiff's request to supplement the summary judgment evidence with the deposition transcript of WWE's corporate representative, Edward Kiang. In support, Defendants state as follows:

1. On August 4, 2020, Plaintiff deposed Mr. Kiang.
2. On August 27, 2020, Plaintiff moved the Court to supplement the summary judgment evidence with Mr. Kiang's deposition transcript and filed a memorandum of law that it requests that the Court consider in opposition to Defendants' motion for summary judgment. Dkt. 207-08.
3. In its motion and proposed memorandum, Plaintiff cited to Mr. Kiang's deposition transcript and to case law, and Plaintiff argued why she believes that evidence and

case law support her opposition to Take-Two's motion for summary judgment. D.I. 207 ¶¶ 11–12; D.I. 208. Defendants disagree with Plaintiff's characterization of Mr. Kiang's testimony and the case law.

4. Defendants do not, however, oppose Plaintiff's motion to supplement the summary judgment evidence. To the extent that the Court grants Plaintiff's motion and considers Plaintiff's proposed memorandum, Defendants request that the Court also consider the memorandum attached hereto as **Exhibit A**, which responds to the arguments that Plaintiff makes in her memorandum.

WHEREFORE, Defendants respectfully request that, if this Court grants Plaintiff's motion and considers her proposed memorandum, D.I.'s 207–08, then the Court also consider Defendants' Supplemental Response in Support of Defendants' Motion for Summary Judgment.

Dated: September 10, 2020

Respectfully submitted,

KIRKLAND & ELLIS LLP

/s/ Dale M. Cendali

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YUKE'S CO., LTD.; AND YUKE'S LA, INC.,

Defendants.

Case No. 3:18-cv-966-SMY

CERTIFICATE OF SERVICE

I hereby certify that on September 10, 2020, I electronically filed the foregoing **Defendants' Response to Plaintiff's Motion To Supplement Summary Judgment Evidence With Recent Deposition Transcript Of Defendant WWE** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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